

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**FIRST SET OF INFORMATION REQUESTS
MASSACHUSETTS TURNPIKE AUTHORITY
D.T.E. 06-70**

Pursuant to 220 C.M.R. 1.06(6)(c), the Department of Telecommunications and Energy ("Department") submits to the Massachusetts Turnpike Authority ("MTA") the following Information Requests.

Instructions

The following instructions apply to this set of Information Requests and all subsequent Information Requests issued by the Department to the MTA in this proceeding.

1. Each request should be answered in writing on a separate three-hole punched page with a recitation of the request, a reference to the request number, the docket number of the case and the name of the person responsible for the answer.
2. Please do not wait for all answers to be completed before supplying answers. Provide the answers as they are completed.
3. These requests shall be deemed continuing so as to require further supplemental responses if the MTA or its witness receives or generates additional information within the scope of these requests between the time of the original response and the close of the record in this proceeding.
4. The term "provide complete and detailed documentation" means:

Provide all data, assumptions and calculations relied upon. Provide the source of and basis for all data and assumptions employed. Include all studies, reports and planning documents from which data, estimates or assumptions were drawn and support for how the data or assumptions were used in developing the projections or estimates. Provide and explain all supporting workpapers.
5. The term "document" is used in its broadest sense and includes, without limitation, writings, drawings, graphs, charts, photographs, microfilm, microfiche, audio recordings, video recordings, computer printouts, correspondence, handwritten notes, records or reports, bills, checks, articles from journals, electronic mail or other sources and other data compilations from which information can be obtained and all copies of such documents that bear notations or other markings that differentiate such copies from the original.

6. The term “Statute” or “Section 115” shall mean section 115 of Chapter 123 of the Acts of 2006.
7. The term “MTA” or “Authority” shall mean the Massachusetts Turnpike Authority.
8. The term “Carriers” refers to the four commercial mobile radio service (“CMRS”) providers that have intervened in this proceeding: Cingular, Sprint Nextel, T-Mobile, and Verizon Wireless.
9. The term “wireless provider” shall mean any person, firm, corporation or other entity that provides commercial wireless communications services, including but not limited to the Carriers that have intervened in this proceeding.
10. The term “MTA Proposal” or “Proposal” shall mean the proposal filed with the Department of Telecommunications and Energy in D.T.E. 06-70 on September 13, 2006.
11. The term “central artery” shall be as defined in section three of chapter 81A of the General Laws.
12. The term “System” shall mean any system proposed by the MTA to fulfill the intent of the Statute for an “effective, seamless, state of the art wireless communications system in the central artery tunnels owned or controlled by the MTA, including any “neutral host system” or other wireless antenna system for providing wireless communications services in the central artery tunnels.
13. The term “RFP” shall mean any request for proposals, invitation to bid, or any request or invitation to participate, bid, or submit a proposal in a competitive bidding process conducted by or on behalf of the MTA.
14. The term “person” shall mean any natural person or any business, legal, governmental, or quasi-governmental entity, authority or association.
15. If the MTA finds that any one of these requests is ambiguous, please notify the Hearing Officer so that the request may be clarified prior to the preparation of a written response.
16. If a question specifically refers to or is substantially similar to an Information Request of another party, please provide that response and where answer with information that supplements the previous response.

17. Please serve a copy of the responses as follows: (a) an original and six (6) copies to Mary Cottrell, Secretary of the Department; also submit one (1) copy of all written documents in electronic format using one of the following methods: (1) by electronic mail attachment the complete Service List as stated on the Procedural Notice dated September 6, 2006 and as revised by the Procedural Notice dated September 21, 2006. The subject line or text of the e-mail must specify: (1) the docket number of the proceeding (D.T.E. 06-70), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g., Response to Information Requests). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dte>.
18. If, pursuant to G.L. § 5D, the MTA seeks confidential treatment of any response or portion thereof, the MTA must submit redacted copies of such response for the public docket in accordance with paragraph 17 above. In addition, the MTA must submit (a) an original and four unredacted (4) copies to each Hearing Officer accompanied by a written motion explaining the reasons confidential treatment should be granted.

Information Requests

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| DTE 1-1 | Refer to the Introductory section of the Proposal at 2, where you state that much of the information presented is "preliminary." Please provide a complete updated proposal. |
| DTE 1-2 | Refer to the Introductory section of the Proposal at 4 where you note that the MTA has not yet retained any "experts" and that "information set forth herein was provided by Authority and/or CA/T Project staff." Please identify by name and title each person responsible for providing the information in each section of the Proposal. |
| DTE 1-3 | Please identify any additional approvals required by federal, state, or local laws for construction and operation of the System or for wireless attachments in the central artery tunnels. |
| DTE 1-4 | Refer to Section 115 which requires the Department to "compute the percentage of usable space in the tunnels of the central artery which has been or will be allocated to wireless attachments." Please discuss how the MTA proposes that the Department compute such percentage. |

- DTE 1-5 Refer to Section 115 which requires the Department to “consider the number of wireless providers that will be participating in the wireless communications system to be established in the tunnels.”
- (a) Please discuss whether the MTA has been contacted by any wireless providers regarding installing or operating wireless attachments or providing wireless services in the central artery tunnels. Please identify each such wireless provider by name, type of service, and technology used.
 - (b) Please explain whether the Department should consider other wireless providers (i.e., that have not intervened in this matter) when setting rates and fees for wireless attachments in the central artery tunnels.
- DTE 1-6 Please explain in detail the MTA’s proposed method conducted or to be conducted for selecting both the System and the Vendor that will construct or install the System. Include in your answer whether the MTA intends to conduct a competitive bidding process for the System or whether the MTA intends to proceed based on results from the RFP issued on July 10, 2002 (“Vendor RFP”).
- DTE 1-7 If MTA intends to proceed with the results from the Vendor RFP, please provide the following:
- (a) a copy of the Vendor RFP, including without limitation any exhibits, amendments or addenda thereto.
 - (b) a list of the person(s) to whom the Vendor RFP was distributed.
 - (c) if notice of the Vendor RFP was published, a list of the dates, and publications in which it was published.
 - (d) complete copy of each bid, proposal or response received by the Authority in response to the Vendor RFP.
 - (e) copies of all related documents including without limitation all correspondence with the respondents to the Vendor RFP.
- DTE 1-8 If MTA intends to proceed with the results from the Vendor RFP, please explain in detail whether the MTA has solicited or intends to solicit updates to the bids, proposals or responses to the Vendor RFP.

- DTE 1-9 If MTA intends to proceed with the results from the Vendor RFP, please discuss the following:
- (a) the status of the preliminary designation of Maverick/Mikom as the successful vendor, including what communications the MTA has had with Maverick/Mikom regarding its current interest in being the successful vendor.
 - (b) whether the preliminary designation was made final and if so, on what date said designation was made. If any contracts have been executed, please provide copies of such contracts.
 - (c) why the preliminary designation has not been finalized.
 - (d) a description of the MTA's prerequisites or criteria necessary for the MTA to finalize selection of a vendor.
 - (e) whether the MTA is still considering or willing to reconsider other proposals (i.e., other responses to the Vendor RFP or new proposals by the Carriers).
- DTE 1-10 Refer to the Proposal at 6 and Exhibit C. Please explain if the proposed System is the same as that proposed by Maverick/Mikom in its response to the Vendor RFP. If so, please explain in detail what changes and updates, if any, have been made to the proposal since 2002. Please include in your answer the dates and reasons for each change or update.
- DTE 1-11 Refer to Exhibit C of the Proposal. Please explain why certain sections of the Proposal have been crossed out.
- DTE 1-12 Please discuss whether the system will be able to accommodate other types of wireless services or providers that may use other frequencies and or other types of technology. Specifically, please include discussion of the following:
- (a) whether any other wireless providers or services (e.g., public safety, satellite radio, WiFi, AM/FM broadcast) are currently operating in the central artery tunnels.
 - (b) whether the MTA plans or anticipates that other wireless providers or services will seek to offer wireless services in the central artery tunnels.

- (c) whether the System will be able to accommodate other providers or services including without limitation:
 - (i) public safety
 - (ii) additional CMRS providers
 - (iii) AM/FM broadcast
 - (iv) satellite radio
 - (v) WiFi
 - (vi) AWS frequencies currently being auctioned
 - (vii) 700 MHz planned to be auctioned
 - (viii) WiMAX
 - (ix) EVDO

- DTE 1-13 Refer to Exhibit C of the Proposal labeled “System Design” at 7-12 which discusses proposed System Dual-Band 800/1900 operation and capacity. Please explain, in layman’s terms, how capacity will be allocated among the Carriers.
- DTE 1-14 Refer to the Proposal at 4 under No. (1) (description of useable space...) where the MTA notes that it has not performed an inventory to determine the actual amount of usable space. Please explain if the MTA intends to conduct such an inventory and when it intends to do so. If the MTA does not plan to conduct such an inventory, please explain if the MTA intends to rely on the projections outlined in Exhibit A or how the MTA intends to evaluate the space available for the System.
- DTE 1-15 Refer to the Proposal at 5. The MTA “estimates that its costs associated with construction, operations and maintenance of the System . . . total approximately \$15,008,968.95 (the “Total Cost”).” Please reconcile this statement with the statement later on the same page which states “[t]he [MTA]’s projected Total Costs does not include costs . . . in connection with planning, designing, installing and maintaining the System.”
- DTE 1-16 Refer to the Background section of the Proposal at 3 where the MTA states that Maverick/Mikom’s current proposal contemplates that it will cost \$10,000,000 to install the System. Does this figure reflect the estimate in Maverick/Mikom’s original proposal in response to the Vendor RFP or is has this figure been more recently updated? If this figure has been updated, please provide the date of that update.
- DTE 1-17 Refer to the Proposal at 3 and 5. Please reconcile the contemplated cost of \$10,000,000 and the Total Cost estimated at \$15,008,968.95. Please provide a breakdown of the elements contributing to each total.

- DTE 1-18 Refer to the Background section of the Proposal at 4, where the MTA notes that the original Carrier RFP proposed a base rent of \$7.92 per linear foot. Over what period was this rate (i.e., \$7.92 per linear foot per year? per month?)? How many linear feet of tunnel was assumed in that calculation?
- DTE 1-19 Refer to the base rent figure of \$7.92 per square foot cited on Page 4. Please provide copies of any contracts that are currently in force that are based on that rate.
- DTE 1-20 Refer to the base rent figure of \$7.92 per square foot cited on Page 4. Please provide any documentation or cost studies that underlie that figure. Please also provide a narrative description of how that number was derived and the components that comprise that number.
- DTE 1-21 Please discuss whether or not the MTA has studied any wireless systems and/or the costs of such systems installed in tunnels in other jurisdictions. If so, please provide all documents regarding such studies and the information obtained regarding such systems and their costs.
- DTE 1-22 Please provide all documents concerning the costs and rates charged by the MTA for construction and operation of wireless communications systems in the MTA's other tunnels (e.g., Sumner, Callahan, Ted Williams, Prudential), including without limitation all lease or license agreements, construction contracts, equipment purchase contracts and all invoices.
- DTE 1-23 Refer to the Proposal at 4-5 under No. (2) (The Authority's proposed rates...) where the MTA proposes to recoup the Total Cost upon execution of agreements with the participating Carriers. Please clarify this statement. Does the MTA propose that each of the Carriers pay their share of the Total Cost upon execution of a lease or license agreement (i.e., before construction of the System)?
- DTE 1-24 Refer to the Proposal at 4-5 under No. (2) (The Authority's proposed rates...) where the MTA states that "to the extent recovered over time" the MTA expects that the cost recovery would include an annual rate which it estimates to be 10% of Total Cost. Please provide the time period over which the MTA proposes to recover these costs. Please explain how this estimated annual rate for cost recovery was calculated. Please include complete and detailed documentation of all costs included in cost recovery calculation including without limitation all borrowing costs, administration costs and depreciation costs.

- DTE 1-25 Refer to the Proposal at 4-5 under No. (2) (The Authority’s proposed rates...) where the MTA estimates that “its costs associated with construction, *operation and maintenance*” (emphasis added) will total approximately \$15,008,968.95. Please provide a breakout of only those costs for ongoing operation and maintenance of the System. Please explain the period of time for which operation and maintenance costs are included in this figure. Please explain the MTA’s proposal for recovering operation and maintenance costs beyond this time period.
- DTE 1-26 Refer to the Proposal at 5 under No. (3) (the method used to calculate...) where the MTA notes that its estimate of expected rate of return is based on costs of borrowing capital. Please explain how much the MTA intends to borrow, the source of those funds (e.g., by issuing bonds or by bank loans), and the estimated interest rate.
- DTE 1-27 Refer to the Proposal at 5 under No. (3) (the method used to calculate...). Does the MTA anticipate that all the Carriers will sign agreement(s) to use the System or provide wireless services in the central artery tunnels? If one or more Carriers does not participate, what effect will this have on the cost recovery and estimate annual rate?
- DTE 1-28 Refer to the Proposal at 5 under No. (3) (the method used to calculate...). Please break-out of the total cost of \$15,008,968 by the Authority’s long term borrowing costs, and administration and depreciation costs.
- DTE 1-29 Refer to the Proposal at Page 5, under No. (3) (the method used to calculate...). Please provide the costs associated with the costs categories cited in that paragraph by completing the table below.

| Item | Cost (in \$) |
|--|--------------|
| Conduit | |
| Equipment Space - Central Office Vent Building | |
| Utility Rooms | |
| Outside Consultant fees | |
| Projected internal staff resources | |
| | |
| Total Cost | |

- DTE 1-30 Refer to the Proposal Exhibit B-2, regarding Space within Central Office at Vent Building 6. Please provide all data and calculations used to determine the per-square foot construction cost of Vent Building 6.
- DTE 1-31 Refer to the Proposal Exhibit B-1, in which the MTA estimates that the replacement cost per linear foot of conduit is \$338.25.
- (a) Please explain the MTA's reasons for using a replacement cost calculation rather than an actual construction cost or incremental cost analysis.
 - (b) Please provide in Microsoft Excel format an electronic copy of the attached chart including all underlying formulas.
 - (c) Please provide complete and detailed documentation of the MTA's actual costs for installation of the existing conduit. If the costs cannot be distinguished from common costs please provide complete and detail documentation of the aggregate costs which include installation of the conduit. Also, please provide an estimate of what the aggregate costs would have been if the conduit had been omitted (i.e., the marginal or incremental cost of installing the conduit).
- DTE 1-32 Refer to the Proposal Exhibit B-2, regarding Space within Central Office at Vent Building 6. Please explain whether the MTA anticipates that the Successful Vendor and/or the Carriers will require use of the entire 2,264 square feet that is available.
- DTE 1-33 Refer to the Proposal Exhibit B-2, regarding Space within Central Office at Vent Building 6. Please provide complete and detailed documentation of the MTA's actual costs for construction of the available space in Vent Building 6 (i.e. the 2,264 sq. ft.). If the costs cannot be distinguished from common costs please provide complete and detail documentation of the aggregate costs which include this space. Also, please provide an estimate of what the aggregate costs would have been if the available space had been omitted (i.e., the marginal or incremental cost of installing the conduit).
- DTE 1-34 Refer to the Proposal Exhibit B-2, regarding outside consultants fees to date. Please identify all outside consultants hired to date. For each consultant, please provide a description of the services rendered and a copy of the consultant's curriculum vitae or summary of the consultant's qualifications. Please provide copies of all invoices or bills evidencing the cost of such consultants.

- DTE 1-35 Refer to the Proposal Exhibit B-2, regarding construction of utility rooms. Please provide complete and detailed documentation of the MTA's actual costs for construction of the utility rooms. If the costs cannot be distinguished from common costs please provide complete and detail documentation of the aggregate costs which include these rooms. Also, please provide an estimate of what the aggregate costs would have been if the utility rooms had been omitted (i.e., the marginal or incremental cost of installing the conduit).
- DTE 1-36 Refer to the Proposal Exhibit B-2, regarding projected outside consultant fees.
- (a) To the extent known, please identify all anticipated consultants and provide all documents evidencing such projected costs (e.g., estimates). Please identify the fields or area of expertise in which the MTA anticipates hiring outside consultants.
 - (b) Please explain the method used to calculate the projected fees including all relevant assumptions.
- DTE 1-37 Refer to the Proposal Exhibit B-2, regarding projected Authority staff time.
- (a) Please provide the total number of employees that will be dedicated to coordinating the installation and construction of the System as well as ongoing monitoring and maintenance. In your answer, please identify such employees by title, position, or field of expertise.
 - (b) Please indicate whether such employees will be dedicated exclusively to the System or whether they will also have other duties. If the latter, please estimate the percentage of each employee's time (broken down by title, position, or field of expertise) that will be dedicated to the System.
 - (c) Please explain the methodology used to calculate the estimated person hours dedicated to the System.
 - (d) Please explain how the MTA determined the average hourly rate of \$100.00. Please provide all documents and calculations used to determine this rate. Please provide the hourly wage or salary of each person identified in response to part (a) above.

- DTE 1-38 Refer to DTE 1-13. If capacity is not allocated on a pro-rata basis, please explain how MTA proposes to allocate costs among Carriers allocated disproportionate capacity. If capacity will be allocated on a pro-rata basis, please explain how the MTA proposes to address needs for additional capacity by individual Carriers.
- DTE 1-39 What is the MTA's proposal regarding how the total costs will be recovered through a rate will be charged to the Carriers? Will the rate be set on an annual basis? If not, how often will the rate be adjusted? Will the rate be charged on a per linear foot basis? If not, on what basis will it be charged? Will the rate depend on the number of Carriers on the system?
- DTE 1-40 Based on the final costs that were included in the Proposal, what rate would be charged to the Carriers?
- DTE 1-41 Please provide a detailed schedule in electronic (Excel) format itemizing all cost components (both realized and estimated) including without limitation: (i) the cost of the System, (ii) the cost of installation or construction of the System, (iii) the costs associated with providing available existing space for the System in rooms or conduit, (iv) internal administrative and staff costs, (v) outside consultant costs, and (vi) and other costs.
- DTE 1-42 Please provide a schedule of all rates and fees or payment of costs the MTA proposes be paid by the Carriers including a schedule of the times the MTA proposes such rates, fees or payment of costs be collected.
- DTE 1-43 Refer to the Proposal at 4. Is the MTA able to disclose the rate negotiated by the three Carriers? If so, what was this rate?
- DTE 1-44 If one or multiple carriers decided to contract for service, in addition to paying a pro-rata share of construction costs, would the Carriers then, in addition, be subject to the \$7.92 figure cited on Page 4?
- DTE 1-45 Refer to the Proposal, Exhibit B-1. Please provide a descriptive explanation and detailed cost data and/or work papers that justify each of the 13 items under the category of Indirect Costs.
- DTE 1-46 Please explain whether or not the MTA is using historical costs or forward looking costs. Please explain why the MTA has chosen that method of calculating costs.

DTE 1-47 Will the Carriers be the sole source of cost recovery for building and maintenance? If not, please list additional sources and their contributions, or expected contributions.

Date: September 25, 2006